

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and the  
STATE OF NEW YORK *ex rel.*  
MARIANNE T. O'TOOLE, as Trustee of  
the Bankruptcy Estate of ROBERT  
DOUGLAS

PLAINTIFFS/ RELATOR,

v.

COMMUNITY LIVING  
CORPORATION, CHRISTINE STILE,  
JOHN PORCELLA, CREATIVE  
ESCAPES, LLC, DELORES LULGJURAY,  
individually, JACK MUNGOVAN a/k/a  
JOHN MUNGOVAN, individually, and  
DOUGLAS JURCZAK, individually,

DEFENDANTS.

Case: 1:17-cv-04007-KPF

**MEMO ENDORSED**

**NOTICE OF MOTION & REQUEST  
FOR ORAL ARGUMENT**

**PLEASE TAKE NOTICE**, that Defendants, Community Living Corporation, Christine Stile and John Porcella through their undersigned counsel, will move this court before the Honorable Katherine Polk Failla, United States District Judge for the Southern District of New York, at the United States Courthouse for the Southern District located at 40 Foley Square, New York, NY 10007, on a date to be set by the Court, for an Order dismissing Plaintiff's Second Amended Complaint.

In support of the motion, Defendants shall rely on the Memorandum of Law submitted herewith.

**Defendants respectfully request oral argument.**

Dated: New York, New York  
February 7, 2020

Respectfully Submitted,

GORDON REES SCULLY  
MANSUKHANI, LLP

By: *Claudia A. Costa*  
Claudia A. Costa, Esq.  
Attorneys for Defendants  
*Community Living Corporation,*  
*Christine Stiles & John Porcella*  
1 Battery Park Plaza,  
28<sup>th</sup> Floor  
New York, New York 10004

TO: All counsel of record via email and regular mail

The Court is in receipt of Defendants motion to dismiss and request for oral argument. If the Court determines that oral argument would be useful, it will promptly reach out to the parties.

Dated: February 7, 2020  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE